

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-12053

CASE NUMBER 2015-3-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-12053 is held by Anthony F. Keiter.
2. Appropriation A-12053 has a priority date of August 6, 1970, and authorizes the use of water for irrigation of the 89 acres of land described below. The water may be diverted from Norwegian Bow Creek at points of diversion located on the left bank of the stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 19, Township 31 North, Range 1 East of the 6<sup>th</sup> P.M. in Cedar County. The rate that water may be diverted shall not exceed 1.27 cubic feet per second (cfs) from all points of diversion.

Township 31 North, Range 1 East of the 6 <sup>th</sup> P.M. in Cedar County		Acres
Section 19:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	13
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	9
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>27</u>
TOTAL		89


3. The Department has received information concerning the use of surface water appropriation A-12053 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 20, 2015, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-12053. The Notice was delivered by certified mail to Anthony F. Keiter, 207 East Park, Hartington, Nebraska, 68739.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-12053 has not been used for its required purpose for more than five consecutive years.
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-12053 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 6, 2015

  
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James C. Schneider, Ph.D.  
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's docket clerk and field office in Norfolk, Nebraska. A copy of this Order was mailed on July 6, 2015, to the following:

Anthony F. Keiter  
207 East Park  
Hartington, Nebraska 68739